

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL

Wednesday, November 14, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR **City Hall and Court House** 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 **Racquel Naylor – 651-266-8573** Office of the City Council

Present – 5 – Bostrom, Harris, Helgen, Lantry, Montgomery Absent -2 – Benanay, Thune (excused); Helgen (arrived after Consent Agenda)

CONSENT AGENDA (Items 1 - 32)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of David M. Arth, Nancy Dale Bright, CMR (two claims for Owest property), Verlene Ensrud, Kurt D. Dougham, Brian Fitch, Raymond Garcia, Zania Hussain, and Thomas D. Wimmer.

Referred to Risk Management

2. Summons and Complaint in the matter of Julie Thomas vs. the City of Saint Paul, et al.

Referred to the City Attorney's Office

3. Summons and Complaint in the matter of Aurelia (Rita) Tessmer vs. the City of Saint Paul. (332 St. Clair Avenue)

Referred to the City Attorney's Office

4. Letter from the Office of the City Attorney announcing a public hearing before the City Council on November 21, 2007 to consider the report of the Administrative Law Judge concerning the Restaurant (A) 0-12 Seats license held by Issam Alhuniti, d/b/a Chicago Submarine, 614 Selby Avenue.

- 5. Letter from the Office of the City Attorney announcing a public hearing before the City Council on November 21, 2007 to consider adverse action against the Cigarette/Tobacco license held by Teclemariam Abraham & Amanuel Abraham, d/b/a A&T Market, 381 Minnesota Street.
- 6. Letters from the Department of Safety and Inspections/Code Enforcement declaring 329 Cesar Chavez Street, 82-84 Curtice Street East, 800 Duluth Street, 520 Farrington Street, 98 George Street East, 599 Hatch Street, 724 Jessamine Avenue East, 928 Marion Street, 242 Morton Street East, 1801 Nebraska Avenue East, 645 Oakdale Avenue, 861 St. Anthony Avenue, 534 Thomas Avenue, and 586 Van Buren Avenue as nuisance properties. (For notification purpose only; public hearings will be scheduled at a later date if necessary.)
- 7. Administrative Orders:

D002680 Adjusting the 2007 training budget in the Department of Fire and Safety Services.

D002681 Executing a one-year extension (2008) of Lease Agreement LIB/02 to provide library services in the West Seventh Community Center.

On File with the City Clerk

FOR ACTION

8. Resolution – 07-1029 – Approving the January 1, 2007 through December 31, 2007 Collective Bargaining Agreement between the City of Saint Paul and the Saint Paul Police Federation. (Laid over from November 7 for adoption) (GS 3045556)

Adopted Yeas - 4 Nays - 0

9. Resolution – 07-1069 – Approving the Collective Bargaining Agreement between the City of Saint Paul and the Saint Paul Fire Supervisory Association, International Association of Firefighters, Local 3939. (To be laid over one week for adoption) (GS 3045597)

Laid over to November 21 for adoption

10. Resolution – 07-1070 – Celebrating November 20, 2007 as *Richard Radman Day* in the City of Saint Paul. (GS 3045838)

Adopted Yeas – 4 Nays – 0

11. Resolution – 07-1071 – Authorizing the appropriate City designees to solicit donations and enter into contracts for the purpose of holding a City Council Inaugural Ball. (GS 3046210)

Adopted Yeas - 4 Nays - 0

12. Resolution 07-1072 – Approving settlements of Ying Xiong v. Lawrence Langlois and the City of St. Paul in the amount of \$12,750.00; Xee Xiong v. Lawrence Langlois and the City of Saint Paul in the amount of \$12,750.00; and Pasha Yang v. Lawrence Langlois and the City of Saint Paul in the amount of \$10,750.00. (GS 3046102)

Adopted Yeas – 4 Nays – 0

13. Resolution – 07-1073 – Approving a second amendment to the Joint Powers Agreement for acquisition of the Post Office building on Kellogg Boulevard. (GS 3045810)

Adopted Yeas - 4 Nays - 0

14. Resolution – 07-1074 – Approving expenditure of funds in the amount of \$502.41 in the Division of Parks and Recreation for airfare for a speaker at the 2007 Minnesota Recreation and Parks Association Annual State Conference. (GS 3046090)

Adopted Yeas – 4 Nays – 0

15. Resolution – 07-1075 – Authorizing the Police Department to enter into a grant agreement with the Department of Justice to be used for the 'Stop Armed Gang Activity' (SAGA) project. (GS 3044772)

Adopted Yeas – 4 Nays – 0

16. Resolution – 07-1076 – Authorizing the Department of Emergency Management to accept a grant of \$10,250.00 from the State of Minnesota for the 2007 Citizen Corp Program Contract to enhance citizen outreach, education and involvement in emergency preparedness, disaster response, and recovery and mitigation efforts. (GS 3045416)

Adopted Yeas – 4 Nays – 0

17. Resolution – 07-1077 – Approving a Cooperative Agreement for design and contract administration work for three Ramsey County-owned bridges, performed by the Public Works Design Group. (GS 3045334)

Adopted Yeas - 4 Nays - 0

18. Resolution – 07-1078 – Approving a Joint Powers Agreement between the Public Works Design Group and Ramsey County for various projects. (GS 3044575)
 Adopted Yeas – 4 Nays – 0

19. Resolution – 07-1079 – Approving the filing of additional certificates of Intended Non-Use in connection with Resolution 07-993 for vacated right-of-way within the Shaw Lumber site. (GS 3045803)

Adopted Yeas - 4 Nays - 0

20. Resolution – 07-1080 – Setting Right-of-Way fees for the period January 1, 2008 through December 31, 2008. (GS 3045442)

Adopted Yeas – 4 Nays – 0

21. Resolution – 07-1081 – Approving adverse action against the Cigarette/Tobacco license held by Flor De Isote, LLC, d/b/a Flor De Isote, 935 Maryland Avenue East. (GS 3045930)

Adopted Yeas - 4 Nays - 0

22. Resolution – 07-1082 – Approving the application with conditions, per the Legislative Hearing Officer, of Tom Scanlon, Scanlon's Pub, Inc., d/b/a Dubliner Pub, 2162 University Avenue, to add a Liquor-Outdoor Service Area (Patio) license to existing licenses. (GS 3045833)

Adopted Yeas - 4 Nays - 0

23. Resolution – 07-1083 – Approving the application with conditions, per the Legislative Hearing Officer, of Dara Thai Restaurant, 769 Milton Street North, for Wine On Sale, Malt On Sale (Strong), Liquor On Sale-2A.M. closing, and Entertainment B licenses. (GS 3046191)

Adopted Yeas – 4 Nays – 0

24. Resolution - 07-1084 – Approving the October 2, 2007 decisions of the Legislative Hearing Officer on Appeals of Letters, Correction Notices, and Letters of Deficiency for properties at 87 Acker Street East, 1880 Fairmount Avenue, 526 Thomas Avenue, 547 Michigan Street, and 1541 Carroll Avenue. (GS 3046075)

Adopted Yeas – 4 Nays – 0

25. Resolution - 07-1085 – Approving the October 16, 2007 decisions of the Legislative Hearing Officer on Appeals of Letters, Correction Notices, and Letters of Deficiency for properties at 333 Grand Avenue, 1067 Van Dyke Street, 2379 Bourne Avenue, 1519 Sherburne Avenue, and 1452 Ashland Avenue. (GS 3046076)

Adopted Yeas - 4 Nays - 0

26. Resolution – 07-1086 – Amending C.F. 07-759 to delete the assessment for graffiti removal at 1119 Geranium Avenue. (GS 3045795)

Adopted Yeas - 4 Nays - 0

27. Resolution – 07-1087 – Amending C.F. 07-822 to delete the assessment for property clean up (graffiti removal) for property at 880 Selby Avenue. (GS 3046077)

Adopted Yeas – 4 Nays – 0

28. Resolution – 07-1088 – Amending C.F. 07-942 to delete the assessment for a boarding up at 658 Bush Avenue. (GS3045570)

Adopted Yeas - 4 Nays - 0

29. Preliminary Order – 07-1089 – In the matter of acquiring property rights needed for right-of-way purposes for the public purpose of replacing the Rice Street Bridge over the Burlington Northern and Santa Fe Railway by removing the existing bridge and constructing a new bridge, and setting date of public hearing for December 5, 2007. [File No. AE2007-07] (GS 3046103)

Adopted Yeas - 4 Nays - 0

30. Preliminary Order – 07-1090 – In the matter of acquiring property rights needed for right-of-way purposes for the public purpose of realigning the intersection of Cleveland Avenue and St. Paul Avenue, and setting date of public hearing for December 5, 2007. [File No. AE2007-10] (GS 3046100)

Adopted Yeas - 4 Nays - 0

31. Preliminary Order – 07-1091 – In the matter of acquiring the property at 350 Water Street West, for the public purpose of removing blight, protecting bluff land adjacent to Harriet Island Regional Park, providing space for a Lilydale Regional Park gateway feature, possible future use to support operations at Harriet Island Regional Park, and setting date of public hearing for December 5, 2007. [File No. AE2007-14] (GS 3045837)

Adopted Yeas – 4 Nays – 0

32. Resolution Ratifying Assessment – 07-1092 – In the matter of the assessment of benefits, cost, and expenses for summary abatements (graffiti removal) on private properties from September 11 to October 20, 2007 [J0706P]; summary abatement (property clean up) on private properties from September 14 to October 12, 2007 [J0716A]; providing weekly garbage hauling services from September 14 to October 10, 2007 [J0716G]; towing abandoned vehicles from private properties during July 2007 [J0705V]; and setting date of Legislative Hearings for December 4, 2007 and City Council public hearings for February 6, 2008. (GS 3045770)

Adopted Yeas - 4 Nays - 0

FOR DISCUSSION

33. Resolution – 07-1093 – Honoring Dave Jaszczak for his 35-plus years of service to the Saint Paul Division of Parks and Recreation, and declaring Wednesday, November 14, 2007 as *Dave Jaszczak Day in the City of Saint Paul*. (GS 3046110)

Adopted Yeas - 5 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.

34. Final Adoption – 07-966 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees (except restaurants and on-sale liquor) to reflect the current level of service. (Substitute introduced November 7) (GS 3044691)

Laid over to December 5 Yeas – 5 Navs – 0

35. Final Adoption – 07-967 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees for restaurants and on-sale liquor to reflect the current level of service. (Substitute introduced November 7) (GS 3044700)

Substitute introduced and laid over to December 5 for final adoption Yeas - 5 Nays - 0

36. Final Adoption – 07-1003 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code to raise permit fees 10%. (Substitute introduced November 7) (GS 3045313)

Adopted Yeas - 5 Nays - 0

37. Final Adoption – 07-1004 – An ordinance amending Chapter 370 of the Saint Paul Legislative Code to increase fees 10% for Certificate of Competency examinations. (GS 3045310)

Adopted Yeas -5 Nays -0

38. Second Reading – 07-992 – An ordinance amending Chapter 345 of the Saint Paul Legislative Code (Peddlers, Solicitors and Transient Merchants) to ensure safety outside entertainment venues and to clarify other requirements. (Laid over from October 24) (GS 3044330)

Laid over to December 5 for third reading/public hearing Yeas – 5 Nays – 0

- 39. Second Reading 07-1048 An ordinance amending Chapters 87, 88, 89, 90, 91, 92, and 94 of the Saint Paul Legislative Code pertaining to the rules and regulations of the Board of Water Commissioners to increase fines, revise process for establishing certain charges, and general housekeeping. (GS 3044891) Laid over to November 21 for third reading/public hearing
- 40. Second Reading 07-1049 An ordinance amending Chapter 402 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045750)

 Laid over to November 21 for third reading/public hearing
- 41. Second Reading 07-1050 An ordinance amending Chapter 403 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045752)

 Laid over to November 21 for third reading/public hearing

- Second Reading 07-1051 An ordinance amending Chapter 409 of the Saint Paul Legislative Code to allow Bar Bingo. (GS 3045751)
 Laid over to November 21 for third reading/public hearing
- 43. Second Reading 07-1052 An ordinance amending Chapter 331A of the Saint Paul Legislative Code and creating Section 331A.11 of Chapter 331A to establish a system of administrative enforcement of Food Safety regulations. (GS 3045798) Laid over to November 21 for third reading/public hearing
- 44. Second Reading 07-1053 An ordinance amending Chapter 310 of the Saint Paul Legislative Code to include administrative penalties for food code violations. (GS 3045801)
 - Laid over to November 21 for third reading/public hearing
- 45. Second Reading 07-1066 An ordinance amending Chapter 331A.04 of the Saint Paul Legislative Code creating additional classifications of restaurants. (GS 3046099)

Laid over to November 21 for third reading/public hearing

Council Meeting Information

Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit http://www.stpaul.gov/council/ for meeting videos and updated copies of the agendas, minutes and supporting documents.

<u>Cable</u>

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)
